

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**DEKARLA FULLER**  
**Plaintiff,**

**v.**

**WATERSTONE PLACE, LLC,**  
**Defendant.**

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**CIVIL ACTION NO. 4:22-cv-04467**

**DEFENDANT’S MEMO ON DEFENDANT’S CITIZENSHIP**

TO THE HONORABLE COURT:

Waterstone Place, LLC (“Movant”), files this Memo on Defendant’s Citizenship pursuant to the Court’s orders and shows the Court the following:

**I. Introduction**

1. Defendant requested a pre-motion hearing for a motion to dismiss pursuant to Rule 12b(6), specifically to challenge jurisdiction. The Court set the hearing for March 10, 2023 at 9:00 AM. Although the Court did not conduct the hearing because of Defendant’s counsel’s absence at the hearing, the Court ordered Defendant to write a letter stating Defendant’s citizenship for jurisdictional purposes.

**II. Citizenship of Defendant Waterstone Place, LLC**

2. The Court has jurisdiction in a civil action where the matter in controversy exceeds the sum of value of \$75,000 and is between citizens of different States. *See* 28 USC § 1332(a)(1). The citizenship of an LLC is determined by the citizenship of all its members. *See Settlement Funding LLC, v. Rapid Settlements, Ltd.*, 851 F.3d 530, 536 (5th Cir. 2017).

3. Here, Defendant Waterstone Place, LLC is a Delaware incorporated business that is registered in the state of Texas. The only member of Defendant is Nitya AM, LLC which has

citizenship here in Texas. Defendant attaches the Texas Secretary of State Business Organizations Inquiry for Waterstone Place, LLC herein as Exhibit A. Nitya AM, LLC is a Texas corporation and its member, Swapnil Agarwal, is a citizen of Texas. Defendant attached the Texas Secretary of State Business Organizations Inquiry for Nitya AM, LLC herein as Exhibit B. In conclusion, Defendant is a citizen of Texas because Defendant's member is a Texas corporation that is also managed by a Texas citizen. Therefore, Defendant is a citizen in the state of Texas, and thus there is no diversity of citizenship in this matter.

4. Moreover, there is no stated amount of controversy by the Plaintiff. Given there is no evidence of the amount of controversy being \$75,000 or more, there is no diversity jurisdiction in this Court. Therefore, this Court does not have jurisdiction under diversity of citizenship.

## II. CONCLUSION

5. There is no diversity of citizenship for jurisdictional purposes because both Plaintiff and Defendant are citizens of the state of Texas and the amount in controversy is unknown. Defendant is a citizen of Texas because it is a corporation with the only member being a Texas corporation, and that corporation only has a member in the state of Texas. Therefore, there is no diversity citizenship.

Respectfully submitted,

ALEXANDER LAW, PLLC

/s/ Brandy M. Alexander

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*Attorney for Movant/Defendant*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on March 10, 2023 a true and correct copy of the foregoing document was delivered via email to all parties below:

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/s/ Brandy M. Alexander

Brandy M. Alexander